

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

In re: Timothy M. Crowder et al.  
Application Serial No. 10/595,478  
Filing Date: April 21, 2006

Attn: DO/US

International Filing Date: October 26, 2004

For: **BLISTER PACKAGES AND ASSOCIATED METHODS OF FABRICATING DRY  
POWDER DRUG CONTAINMENT SYSTEMS**

DATE: June 26, 2007

**Mail Stop PCT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §§ 1.47(a) WHERE ONE INVENTOR CANNOT BE REACHED

Sir:

The Applicants hereby petition under 37 CFR § 1.47(a) for the suspension of the signature requirements for Mark E. Ketner under 37 C.F.R. § 1.47(a) as Mr. Ketner has not been reached for signature of the Declaration. Evidence in support of this petition is provided herein.

In particular, Applicants' representative has forwarded the documents necessary for execution in the above referenced matter to Mr. Ketner for his signature to his last known address and attempted to locate a current address without success. Diligent efforts have been made to contact Mr. Ketner.

For example:

(1) a Declaration with a copy of the application were forwarded to Mr. Ketner by Dr. Paul Atkins, Chief Executive Officer of Oriel Therapeutics, the employer of Mr. Ketner at the time of the invention, via U. S. Postal Service Certified Mail on May 22, 2007, to Mr. Ketner's last known address, 3828 Doeskin Drive, Apex, NC 27539. *See attached*, a true and accurate copy of the letter from Dr. Atkins to Mr. Ketner, a copy of the certified mail receipt used to send the letter, Declaration and application, and a copy of the unopened envelope as returned by the USPS with the USPS "Return To Sender, Not Deliverable As Addressed" label.

(2) a search of WhitePages.com resulted in one logically possible address. A true and accurate copy of the screen print out showing the WhitePages.com search results is attached. A phone call was made to the number, 559 935-7550, by Ms. Rosa Lee Brinson, Legal Assistant to the undersigned, June 25, 2007. The number is associated with Coalinga Middle School. Mr. Ketner was not there.

(3) Dr. Timm Crowder contacted several individuals via telephone and/or email in an attempt to determine Mr. Ketner's current address. True and accurate copies of two emails sent by Dr. Crowder to the undersigned in support of the efforts to determine a current address are attached. The email address to Mr. Ketner's dissertation advisor at the University of North

In re: Timothy Crowder et al.  
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Carolina (Chapel Hill), the recipient of one email sent by Dr. Crowder on February 19, 2007 and non-relevant information in the email have been redacted. Also, the full name of Mr. Ketner's friend has been redacted in the other email. These emails show that Dr. Crowder called a known friend of Mr. Ketner's in graduate school, Vasu S. on or about February 19, 2007 and sent an email to Mr. Ketner's email address at UNC as well as Mr. Ketner's dissertation advisor, requesting updated contact information, all without success.

Accordingly, Applicants respectfully submit that a *bona fide* diligent attempt was made to obtain Mr. Ketner's signature on the Declaration for the above referenced matter.

Pursuant to 1.47(a), the undersigned respectfully submits that Mr. Ketner's last known address is as follows:

Mr. Mark E. Ketner  
3828 Doeskin Drive  
Apex, North Carolina 27539

The Declaration executed by all the other inventors is submitted with this Petition. The petition fee in the amount of \$200.00 as required by 37 CFR 1.17 may be charged to our Deposit Account 50-0220. A petition for extension of time is submitted herewith. Any additional fees or refunds associated with this transaction may be charged or overpayment credited to our Deposit Account No. 50-0220.

Respectfully submitted,



Julie H. Richardson  
Registration No. 40,142  
Attorney for Applicants

**Customer No. 20792**  
Myers Bigel Sibley & Sajovec, P.A.  
Post Office Box 37428  
Raleigh, NC 27627  
Tel (919) 854-1400  
Fax (919) 854-1401

**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on June 26, 2007.

Signature: \_\_\_\_\_



Rosa Lee Brinson



May 21<sup>st</sup> 2007

Mr. Mark E. Ketner,  
3828 Doeskin Drive,  
Apex,  
North Carolina, 27539

Dear Mark,

I hope you are doing well. It has been sometime since we have spoken. Please find enclosed both a Declaration and an Assignment document related to PCT application 2005/044173 filed by Oriel Therapeutics Inc. (also enclosed)

As an inventor on the patent and as part of your terms of employment by Oriel Therapeutics, you agreed to assign this patent to Oriel. Please would you sign these documents and return to me at the address below at your earliest convenience. Thank you.

Best regards,

A handwritten signature in black ink, appearing to read 'Paul J. Atkins', with a large, sweeping flourish extending from the end.

Paul J. Atkins, Ph.D.  
Chief Executive Officer

Tel: 919.313.1290  
Fax: 919.313.1295

Site Address:  
630 Davis Drive, Suite 120  
Durham, NC 27713, USA

Mailing Address:  
P.O. Box 14087  
Research Triangle Park  
NC 27709, USA

Web Address:  
[www.orieltherapeutics.com](http://www.orieltherapeutics.com)



research triangle park  
Durham, North Carolina  
277099998  
3631970709 -0098  
06/19/2007 (800)275-8777 02:13:29 PM

Product Description	Sale Qty	Unit Price	Final Price
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Label # 3SR0EB1915671  
# of Mail Pieces : 1  
Mail Pickup Date: 06/19/2007 02:13 PM

Total: \$0.00

Paid by:

Order stamps at USPS.com/shop or call  
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Shannon Plaza Station  
Durham, North Carolina  
277079998  
3631970707 -0095  
05/22/2007 (800)275-8777 10:20:20 AM

Product Description	Sale Qty	Unit Price	Final Price
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APEX NC 27539 Zone-1 \$2.50  
First-Class Large Env  
10.20 oz.  
Certified \$2.65  
Label #: 70070220000400904735  
=====

Issue PVI: \$5.15

CARY NC 27519 Zone-1 \$1.14  
First-Class Large Env  
2.60 oz.

Certified \$2.65  
Label #: 70070220000400904704  
=====

Issue PVI: \$3.79

Total: \$8.94

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Cash \$10.00  
Change Due: -\$1.06

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Total Postage & Fees	\$ 5.15	

05/22/2007

Sent to Mark Ketter  
Street, Apt. No. 3828 Doebelin Dr.  
or PO Box No.  
City, State, ZIP+4 Apex NC 27577.

PS Form 3800, August 2006 See Reverse for Instructions



10842 THREE SERVICES  
P.O. BOX 14087  
PC 97709

Mr. Mark Vethner

3828 Doekim

2029  
NIXIE  
RETURN TO SENDER  
AS ADDRESSED  
NOT DELIVERABLE TO FORWARD  
UNABLE TO SENDER  
RETURN

7007 0220 0004 0090 4735  
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD ALONG DOTTED LINE.  
**CERTIFIED MAIL™**  
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Display: <input checked="" type="radio"/> All (5) <input type="radio"/> Home (3) <input type="radio"/> Work (2)	Sort by: <input type="text" value="- Select -"/>
<div><b>Ketner, Mark</b> 516 Baker St Coalinga, CA 93210-1546 (559) 935-7550 <a href="#">Listing Detail</a></div>	<div>SPONSORED LINKS</div> <div><a href="#">Mark Ketner, More Info is Available</a> <a href="#">Background Records for Mark Ketner</a> <a href="#">Find High School Info on Mark Ketner</a> <a href="#">Find Mark Ketner's Email Address</a></div>
<div><b>Ketner, Mark &amp; Mary Jo</b> 13839 Hannah Rd Bowling Green, OH 43402-9429 (419) 354-2076 <a href="#">Listing Detail</a></div>	<div>SPONSORED LINKS</div> <div><a href="#">Mark Ketner, More Info is Available</a> <a href="#">Background Records for Mark Ketner</a> <a href="#">Find High School Info on Mark Ketner</a> <a href="#">Find Mark Ketner's Email Address</a></div>
<div><b>Ketner, Mark DVM</b> 19781 N Dixie Hwy Bowling Green, OH 43402-9484 (419) 354-3986 <a href="#">Listing Detail</a></div>	<div>SPONSORED LINKS</div> <div><a href="#">Mark Ketner, More Info is Available</a> <a href="#">Background Records for Mark Ketner</a> <a href="#">Find High School Info on Mark Ketner</a> <a href="#">Find Mark Ketner's Email Address</a></div>
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*called #  
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**Ketner, Mark H**

724 Euclid Ave

Temple, PA 19560-1541

(610) 929-0388

Listing Detail

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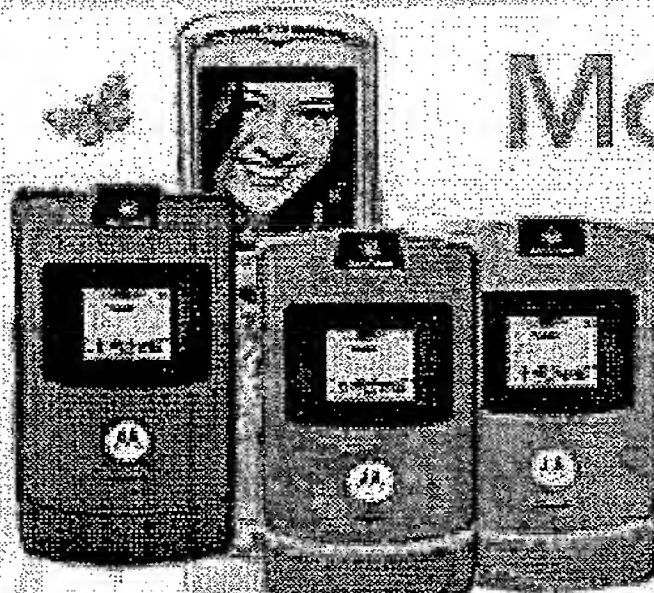
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<a href="#">Mark Ketner</a>	Apex, NC	35	<a href="#">View Details</a>
<a href="#">Mark Ketner</a>	Charlotte, NC	35	<a href="#">View Details</a>
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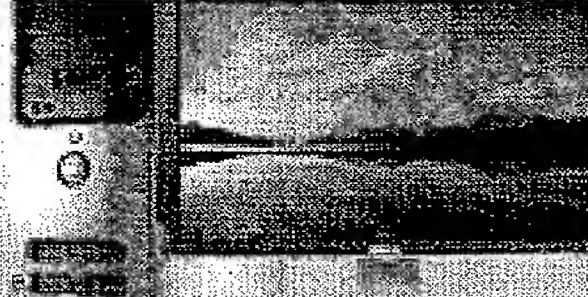
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## Richardson, Julie

---

**From:** Timm Crowder [tcrowder@orieltherapeutics.com]  
**Sent:** Saturday, April 07, 2007 4:23 PM  
**To:** Richardson, Julie  
**Cc:** Paul Atkins  
**Subject:** FW: contact update

Julie, Paul asked me to forward what emails I had sent trying to track down Mark. Here is one and the next one I forward will be one I sent to his dissertation advisor. I'm not certain she hasn't retired.

I also called Vasu Se on or about this date. Vasu was one of Mark's best friends in grad school.

Hope you're doing well.

Timm

-----Original Message-----

From: Timm Crowder  
Sent: Mon 2/19/2007 4:01 PM  
To: 'mketner@bme.unc.edu'  
Cc:  
Subject: contact update

Hi Mark,

I wonder if this email will work. I saw that you defended last year. Hope all is well. Can you update me on your contact info? I need to get a form to you to sign related to one of our patent application on which you are an inventor.

Cheers,  
Timm

Timothy M. Crowder, Ph.D.  
VP, Powder Technology  
Oriel Therapeutics, Inc.  
P.O.Box 14087  
Research Triangle Park, NC 27709  
919.313.1290 x11 (phone)  
919.313.1295 (fax)  
tcrowder@orieltherapeutics.com  
www.orieltherapeutics.com



## Richardson, Julie

---

**From:** Timm Crowder [tcrowder@orieltherapeutics.com]  
**Sent:** Saturday, April 07, 2007 4:24 PM  
**To:** Richardson, Julie  
**Cc:** Paul Atkins  
**Subject:** FW: update/Mark Ketner

-----Original Message-----

From: Timm Crowder  
Sent: Mon 2/19/2007 4:09 PM  
To: .unc.edu'  
Cc:  
Subject: update/Mark Ketner

Hi Carol,

I hope you're doing well.

I'm also trying to track down Mark Ketner. I need him to sign something related to a patent application on which he is an inventor. Do you have contact information for him?

Regards to those I still know in the department.

Best wishes,  
Timm

Timothy M. Crowder, Ph.D.  
VP, Powder Technology  
Oriel Therapeutics, Inc.  
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